

(42)

WAIVER OF SERVICE OF SUMMONS

COPY

TO:

Tyrone C. James
(Name of plaintiff's attorney or pro se plaintiff)I acknowledge receipt of your request that I waive service of a summons in the action of James VSYuk Co.which is case number CV-01-1015 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for the objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 10/11/01 (date request was sent), or within 90 days after that date if the request was sent outside the United States.Date Dec. 7, 2001Signature Linda S. Lloyd

Printed/typed name:

Linda S. Lloyd

Title if any:

Deputy Attorney General

Address of person signing:

15th Fl., Strawberry Square Harrisburg PA 17120

Representing defendant(s) if any:

James Morgan, Robert Kessler, Gene Fells
Raymond CroutFILED
SCRANTON

DEC 27 2001

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OCT 24 2001

OFFICE OF ATTORNEY GENERAL
LITIGATION SECTION

PER

ORIGINAL

CSM
AO 440 (Rev. 10/93) Summons in a Civil Case

United States District Court

MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL CASE

TYRONE P. JAMES,
Plaintiff

CASE NUMBER: 1:CV-01-1015

Judge Kane

v.

YORK COUNTY POLICE DEPT., ET AL.,
Defendants

To: (For the name and address of defendant(s): **SEE COMPLAINT**)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

Tyrone P. James
York County Prison
3400 Concord Road
York, PA 17402

an answer to the complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MARY E. D'ANDREA, Clerk

Jennifer Kennedy
(By) Jennifer Kennedy, Deputy Clerk

DATE: September 18, 2001

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RECEIVED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA